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5 Attorney for Debtor,  
6 Scott I. Talle

7  
8 UNITED STATES BANKRUPTCY COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 In Re: ) Case No.: 20-04763-LT13  
11 Scott I. Talle, ) R.S. No. NLG-1  
12 ) Chapter 13  
13 Debtor-in-Possession. ) DEBTOR'S OPPOSITION TO MOTION FOR  
14 ) RELIEF FROM THE AUTOMATIC STAY  
15 ) Judge: Honorable Laura Taylor

16 To the clerk of the United States Bankruptcy Court; Movant, Headlands Residential Series Owner  
17 Trust, Series E:

18 Debtor, Scott I. Talle, (hereinafter referred to as "Debtor"), by and through his attorney of record,  
19 Andrew H. Griffin, III, of the Law Office of Andrew H. Griffin, III, APC, file the following  
20 Opposition to the motion for relief from stay filed by Headlands Residential Series Owner Trust,  
21 Series E:  
22

23 **INTRODUCTION**

24 Movant, Headlands Residential Series Owner Trust, Series E, originally filed a claim as  
25 Wilmington Savings Fund Society, FSB, DBA Christian Trust, Not in its individual Capacity but  
26 solely as Trustee for Brougham fund I Trust c/o BSI Financial Services is a Secured. (Creditor)  
27 Creditor had filed a Proof of Claim in the amount of \$360,162.27. (Claim 2-1). The Proof of Claim  
28

1 attached the Original deed of trust as Exhibits but failed to attach the order which modified the loan  
2 in the confirmed plan. Creditor then filed an amended claim,(Claim 2-2) attaching the confirmed  
3 Chapter 11 plan.

4 The matter was resolved in the objection to claim. The current problem is that the claim was  
5 subsequently assigned to Movant, Headlands Residential Series Owner Trust, Series E. The Debtor  
6 programed his bank to automatically send the monthly payments to BSI. The payments were made  
7 without fail. The Movant has refused to account for payments that were being made to BSI Financial  
8 Services and has brought the instant motion.

10 II.

11 STATEMENT OF RELEVANT FACTS

12 On August 14, 2012, Scott I. Talle, ("Debtor") filed a chapter 11 bankruptcy petition in the Southern  
13 District of California Bankruptcy Court, with Case Number: 12-11243-LT I ("Bankruptcy Action").

14 The original creditor, Wells Fargo Bank, entered into a stipulation for the treatment of their claim.

15 On October 31 , 2014, the Court entered an Order Confirming Chapter 11 Plan ("Confirmation  
16 Order") which included the stipulation. (Judicial Notice is requested regarding the confirmation  
17 order.) The Claim was assigned and BSI Financial Services became the servicer for the Assignee.

18 On or about February 14, 2020, Defendant BSI Financial Services began returning the payments that  
19 was made pursuant to the plan. Debtor objected to the return of the payments.

21 The Debtor alleged that the Proof of claim was not properly supported and objected to the Proof of  
22 Claim. The Claim was resolved and the Chapter 13 plan was confirmed. Debtor has made each and  
23 every payment to the Chapter 13 Trustee as the payment came due. He has made each and every  
24 payment to the secured Creditor. Three years later, the instant claim was assigned to Movant,  
25 Headlands Residential Series Owner Trust, Series E who is filing the motion for relief from  
26 automatic stay because it is not accounting for the payments that were made to BSI.  
27  
28


DISCUSSION

The Debtor has made consistent payments  
Movant seeks relief from stay alleging that there has not been consistent payments. The facts are  
clear that this petition was filed on September 25, 2020. The plan was confirmed November 24,  
2020. Payments have been made for more than two and a half years . As a result, Relief from  
automatic stay should be denied.

Respectfully Submitted

Law Office of Andrew H. Griffin, III APC

6/7/23

  
/s/ Andrew H. Griffin, III  
Andrew H. Griffin, III Attorney for Debtor

CERTIFICATE OF SERVICE VIA U.S. FIRST CLASS MAIL

I, Angela Azabo declare that I am, and was at the time of service of the papers herein referred to over the age of eighteen years and not a party to the action; and I am employed in the County of San Diego, California, within which county the subject mailing occurred. My business address is 275 E. Douglas Avenue, Suite 112, El Cajon, California 92020. I served the following document(s):

DEBTOR'S OPPOSITION TO MOTION FOR RELIEF FROM THE AUTOMATIC STAY

X (U.S. First Class Mail) by placing a copy thereof in a separate envelope for each addressee named hereafter, addressed to each such addressee respectively as follows:

Thomas H. Billingslea, Jr.  
402 W. Broadway, Suite 1350  
San Diego, CA 92101

Nicole L. Glowin, Esq  
ZBS Law, LLP  
30 Corporate Park, Suite 450  
Irvine, CA 92606

United States Trustee  
Office of the U.S. Trustee  
880 Front Street, Third Floor, Suite 3230  
San Diego, CA 92101

I then sealed each envelope and, with the postage for first class mail thereon fully prepaid, deposited each in the United States mail at El Cajon, California, on June 8, 2023.

I declare under the penalty of perjury according to the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on April 12, 2021, in the County of San Diego, State of California.

/s/ Angela Azabo  
Angela Azabo

*Angela*